

# Agenda Item 17

## **MEETING OF DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL**

**8<sup>th</sup> June, 2015**

**Report submitted in accordance with Part 8, Article 81 of the Planning and Development Regulations, 2001, (as amended) the Planning and Development Acts 2000, (as amended), and Section 138 of the Local Government Act, 2001, (as amended).**

**Proposed housing development at Fitzgerald Park, Lower Mounttown Road, Dún Laoghaire, Co Dublin**

### **1. PC/H/04/15**

In accordance with Part 8, Article 81 of the Planning and Development Regulations, 2001, (as amended), the Council gave notice of the proposed development in the Irish Independent on 12<sup>th</sup> March, 2015. Plans and particulars of the proposed development were available for inspection from 12<sup>th</sup> March, 2015 and up to and including 23<sup>rd</sup> April, 2015 at the Housing & Community Department, and Planning & Enterprise Department, County Hall, Marine Road, Dún Laoghaire between the hours of 10.00 a.m. to 4.00 p.m. and at the Council offices, Dundrum Office Park, Dundrum between the hours 9.30 a.m. to 12.30 p.m. and 1.30 p.m. to 4.30 p.m. Monday to Friday, excluding Bank Holidays and under dlr consultations on the Council's website homepage [www.dlrcoco.ie](http://www.dlrcoco.ie).

Submissions and observations with regard to the proposed development could be made up to and including 7<sup>th</sup> May, 2015.

<https://dlrcoco.citizenspace.com/housing/pc-h-04-15-proposed-housing-development-at-fitzger>

### **2. SITE LOCATION AND DESCRIPTION:**

The site of the proposed development is located off Mounttown Road Lower and is located to the south of the recently constructed Mounttown Community Centre. It is bounded to the south and east by the existing two-storey dwellings of Fitzgerald Park, by the rear gardens of Oliver Plunkett Road/St. Patrick's Crescent to the west and the Mounttown Community Centre to the north.

The overall site area is 1.05 hectares (ha) in extent, is vacant at present and is enclosed by a palisade fence. The site is clearly visible from the adjoining roadway and is easily accessible via this roadway. There are level differences across the site of approximately 2.5 metres with the highest ground to the south and west falling towards the Community Centre. There are four mature trees on the site, one of which is to be retained which will be located in the proposed area of open space.

### **3. ZONING AND OTHER OBJECTIVES:**

The site is located on lands zoned Objective 'A', 'To protect and/or improve residential amenity' and is identified in the County Development Plan with an objective for the County Council Housing Programme.

There is also a 'QBC' along Mounttown Road Lower, which is the main access to the subject site.

#### **4. DETAILED DESCRIPTION OF PROPOSED WORKS:**

The Housing need in the area was identified in December 2014 as follows:

	NEED
1 Beds	1491
2 Beds	986
3 Beds	764
4 Beds	35

The longest waiting time in this area is for 1 and 3 bed units.

The proposed development comprises of the construction of 50 no. social housing units as follows:

- 16 no. three bedroomed two storey terraced dwellings;
- 2 no. three bedroomed semi-detached dwelling;
- 4 no. two bedroomed terrace dwellings;
- 28 no. 1 bedroomed units.

The units will be located in both terraces along the western site boundary and in a courtyard form in the centre of the site. The terraces will front onto the new access road within the development and will back onto the rear gardens of the dwellings located in St. Patrick's Crescent, with the northern portion of the terrace running parallel to the existing Mounttown Community Centre (to the north of the site).

The courtyard of 27 no. one and two bedroom units is proposed within the central portion of the site. These courtyard units front towards the access road and back onto an area of enclosed open space which will be accessed from the rear of each of the units, via a rear ground floor patio. This open space within the courtyard is dedicated to occupiers of these units only. Following the public consultation it is recommended that this layout be amended such that the courtyard becomes individual private gardens. Please see Section 9.2 of this report.

The entrance to the site will remain unchanged with a new vehicular access road proposed around the site, following the line of the existing roadway to the front of the dwellings to the east of the site. Car-parking is proposed on-street around the perimeter of the area of public open space and along the access roadway. Pedestrian access is proposed within the site with new footpaths located to the front of the proposed development and around the perimeter of the public open space.

#### **5. APPROPRIATE ASSESSMENT**

The proposed development is subject to the Guidance for Planning Authorities on Appropriate Assessment of Plans and Projects in Ireland (Department of Environment, Heritage and Local Government, November 2009), and the Planning and Development (Amendment) (No. 3) Regulations, 2011. These require that screening is carried out for

all projects to examine if any impacts are likely on Natura 2000 sites, that is , Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)

Scott Cawley Limited, has reviewed the proposed development with respect to the requirement for an Appropriate Assessment and submitted their report. (report attached)

The report concluded that "there will be no likelihood of significant effects on any European sites and no impacts to European site integrity, either alone or in combination with other plans or projects. Therefore it is our view that an Appropriate Assessment is not required."

## **6. IMPLICATIONS OF THE PROPOSED DEVELOPMENT FOR THE PROPER PLANNING AND SUSTAINABLE DEVELOPMENT OF THE AREA:**

The surrounding area is characterised by residential development with semi-detached and terraced dwellings located to the east, west and south of the site in particular. There is a Social Housing Scheme, 'Meadowlands' located to the north of the site and the recently constructed Mounttown Community Centre and associated car parking located to the north/northeast.

Policy RES3 of the DLR County Development Plan 2010-2016 states that 'it is Council policy to generally promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality higher density forms of residential development, it is Council policy to have regard to the policies and objectives contained in the following guidelines: Sustainable Residential Development in Urban Areas (DoEHLG 2009), Urban Design Manual – A Best Practice Guide (DoEHLG 2009) <http://www.environ.ie/en/Publications/DevelopmentandHousing/Planning/FileDownload,19164,en.pdf>, and Quality Housing for Sustainable Communities (DoEHLG 2007) <http://www.environ.ie/en/Publications/DevelopmentandHousing/Housing/FileDownload,1979,en.pdf>.

The development will provide 50 no. dwelling units on a site area of 1.05ha and will provide much needed social housing within the County. Having regard to the zoning and the objective for housing on the site, it is considered that the principle of the proposed development is acceptable. In terms of internal layout, it is noted that the proposed units have gross internal floor areas in excess of the minimum requirements as indicated in the current County Development Plan. It is considered therefore that the proposed dwellings will provide a good standard of accommodation for the intended occupiers.

Impact on the Adjoining Residential Amenities:

The proposed two-storey/part three storey terraced dwellings which run along the western boundary of the site are adequately set back from the site boundary with the rear gardens of St. Patrick's Crescent, and generally conform with the County Development Plan standards regarding overlooking. Regard is also had to the change in site levels along the site with the dwellings to the west at St. Patrick's Crescent located at a higher site level to the finished floor level of the proposed dwellings. Therefore, it is considered that the proposed two-storey/three storey terraces would not impact

negatively on the residential amenity of the directly adjoining dwellings to the west by reasons of overbearing or overshadowing.

The dwellings located in the northern section of the site are to the west of the existing Mounttown Community Centre and adjoin the existing car park associated with the Centre. It is noted that these dwellings are set back from the rear of the adjoining dwellings in both St. Patrick's Crescent and Meadowlands Park by a minimum of 22 metres. It is also noted that the adjoining sites are at a higher site level. Therefore, it is considered that these two-storey/three storey terraced dwellings would not impact negatively on the residential amenity of the directly adjoining dwellings to the north/northeast by reasons of overbearing or overshadowing. It is also considered that the proposed dwellings will not impact negatively on the existing Community Centre.

Having regard to the location of the proposed one/two bedroom courtyard units within the centre of the site, it is not considered that these units will impact on the residential amenity of the directly adjoining dwellings given the adequate separation distance to both the existing and proposed dwellings. The proposed units within the courtyard step down to single storey to the rear with velux roof lights in the rear roof slopes, therefore overlooking to the rear is not an issue.

#### Private Open Space:

The proposed rear gardens serving the terraces located to the western portion of the site are generally in accordance with the rear garden lengths as indicated in Section 16.3.2 Quantitative Standards of the 2010-2016 Dún Laoghaire-Rathdown County Development Plan and are therefore acceptable. It is also noted that the private open space provisions for these dwellings are well in excess of the standards as indicated in Section 16.3.2 of the current County Development Plan of 48 sq. m. for a two bedroom dwelling and 60 sq. m. for a 3/4/5 bedroom dwelling.

The one and two bedroom units located in the central courtyard were served by an external patio area to the rear, a small front garden and an enclosed area of open space which can be directly accessed from each unit. Following the public consultation it is recommended that this layout be amended such that the courtyard becomes individual private gardens. Please see Section 9.2 of this report.

The proposed one bedroom apartment unit will be served by an enclosed balcony on the front (western) elevation at first floor level. This balcony has an area of 6 sq. m. which is in accordance with the requirements of Section 16.3.3 Apartment Development, Table 16.1 regarding open space for apartment units.

An area of public open space has been provided to the north east of the site with a stated area of 0.16ha, and will be appropriately landscaped and is in accordance with all development plan standards.

Having regard to the above it is considered that the proposed areas of private open space to serve the development are generally in accordance with the requirements of the current County Development Plan.

## 7. INTERNAL REPORTS

**Planning and Enterprise Department:** In a report dated 11/3/2015 the Planning Department had no objection to the proposed development.

**Transportation Planning and Drainage Services Department:** In report dated 9.3.15 the Transportation Planning has no objection to the proposed Fitzgerald Park Development.

In a report/comment dated 27/4/2015, Drainage Planning advised that prior to the commencement of construction the following shall be addressed:

(1) Full details of the proposed permeable paving and attenuation system shall be submitted to Water Services Section for approval and shall thereafter be constructed in accordance with the agreed specification and layout, and

(2) A Construction Management Plan for the protection and diversion of the 600 mm diameter surface water sewer (adjacent to No. 34 Fitzgerald Park) shall be submitted to Water Services Section for approval and shall thereafter be constructed in accordance with the agreed specification and layout.

**Corporate Services and Human Resources Department – Property Management Section:** In correspondence dated 20.4.15 the Property Management Section raised no issues with the development.

**Architecture and Culture Department:** In a report dated 11.3.15 the Architects Department commented “the scheme provides 50 much needed social housing dwellings in a well located and serviced existing built up area. The design of the scheme respects the existing built form, scale, character and residential amenity of the area.”

**Environment Department – Parks and Landscape Services Section:** In a report dated 10.3.15, Parks and Landscape Services advised that they had no objection to this development and that a detailed design of the open space will be carried out prior to tendering.

## 8. STATUTORY BODIES/ORGANISATIONS:

It is noted that Irish Water had no objection in relation to the proposed development.

The National Roads Authority (NRA) in a report dated 23.3.15 had no comment to make in this regard.

In a report dated 7.5.15 the Department of Arts, Heritage and the Gaeltacht recommended that Archaeological Monitoring be carried out at this site by a suitably qualified archaeologist and the Department of Arts, Heritage and the Gaeltacht to be furnished with a report describing the results of the monitoring.

Response:

The Council will engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development and should archaeological material be found during the course of monitoring, an archaeologist may have work on the site stopped pending a decision as to how best to deal with the archaeology. The Council

will, if necessary, advise by the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation *in situ*, and/or excavation) and facilitate the archaeologist in recording any material found. Where necessary the Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

## 9. SUBMISSIONS/OBSERVATIONS

### 9.1. Submissions

In accordance with Part 8, Article 81 of the Planning and Development Regulations, 2001, as amended, the Council gave notice of the proposed development in the Irish Independent on Thursday, 12<sup>th</sup> March, 2015 indicating that submissions would be accepted up to and including Thursday, 7<sup>th</sup> May, 2015.

A site notice (in the prescribed format) was also erected on the site and maintained in place for the prescribed period. Fifty one submissions (including one petition) were received within the stipulated time period and are listed as follows:

**TABLE A: List of persons/bodies who made submissions**

No.	Name	No.	Name
1.	Janet George	23.	Margaret Kelly
2.	Mary Lennon	24.	Michael & Marina Byrne
3.	Fiona Kelly	25.	Linda Kelly
4.	Ann Byrne	26.	Harriet Parsons
5.	Meadowlands/Fitzgerald Park Estate Management Forum	27.	Christopher Moran
6.	Lorraine Doyle	28.	Mrs JP Moran
7.	Wayne Doyle	29.	Signature illegible
8.	Anne-Marie McBrearty	30.	Carol Usher & illegible signature
9.	Stephen Moore	31.	John Usher
10.	Jessica Byrne	32.	Lisa Usher
11.	Donna Byrne	33.	Sarah Osher
12.	Andrew Quirke & Fiona Ryan	34.	Gary Forsyth
13.	Christopher George	35.	Signature illegible
14.	Peter Slevin	36.	John Moriarty
15.	Christopher Magee	37.	Ann Gibson

16.	Thomas Magee	38.	Anne Slevin
17.	Elizabeth Water	39.	Peter Dalton
18.	Veronica Gilligan	40.	Peter Tobin
19.	Derek Gilligan	41.	Janice Kelly
20.	Angela Mooney	42.	Maria & John Bailey
21.	Garrett Mooney	43.	Amy Sharp
22.	Morgan Mooney	44.	Matthew Sharp
<b>No.</b>	<b>Name</b>	<b>No.</b>	<b>Name</b>
45.	Mrs AP Sharp	49.	Petition from Residents of St. Patrick's Crescent and Oliver Plunkett Road
46.	Mr Sharp	50.	Antonia & Gerrard O'Rourke
47.	Anne & James Slevin	51.	May Kinsella
48.	People Before Profit		

## 9.2 Summary of the issues raised in the submissions/observations received

There was support for the development, however, some issues in relation to the proposal were raised. The submissions (and the detail pertinent to the respective submissions) are duly noted, and have been assessed accordingly. The pertinent issues raised and the Chief Executive's responses are summarised as follows:

	Issue	Response
1.	<p>Design:</p> <ul style="list-style-type: none"> <li>• Design of courtyard – concern that the central area would lead to anti-social problems.</li> <li>• Would like the design changed to L shape.</li> <li>• Courtyard should be moved to area beside the Community Centre.</li> </ul>	<p>Following the public consultation it is recommended that the courtyard layout be amended such that it can be divided into private gardens for each of the proposed one bedroom units (type J) and two bedroom units (type K).</p> <p>The re-design of the one bed units as an L shape would constitute a material change to the development and would also result in a lowering of the density on site. This design would also result in gardens backing onto the open space which is not desirable.</p> <p>It is not possible to relocate the one bedroom units as the current location of the public open space accommodates the underground attenuation tanks as</p>

	<ul style="list-style-type: none"> <li>Concern at the number of one-bed units in the development and their location – should be integrated through the scheme.</li> <li>Renewable energy – P.V. panels should be provided.</li> </ul>	<p>part of the Sustainable Urban Drainage Strategy and is located at the lowest point of the site.</p> <p>Based on an analysis of housing need in the area (Dún Laoghaire/Dalkey House list) the greatest need is for one and three bedroom units.</p> <p>Solar panels/Photovoltaic panels are provided for in the Scheme on suitable roofs.</p>
2.	<p>Traffic and parking:</p> <ul style="list-style-type: none"> <li>Concerns that a one-way system would constitute a traffic hazard.</li> <li>The development will increase the need for parking spaces/parking for community centre.</li> <li>Existing parking to be retained.</li> <li>The existing traffic issues in the estate should be addressed by the provision of ramps.</li> <li>Parking for houses with no driveways</li> </ul>	<p>The proposed scheme is a two-way system.</p> <p>It is envisaged that the proposed scheme will not increase the need for parking at the community centre. Currently there are 8 no. parking spaces opposite the Community Centre. These are parallel spaces and it is intended to change these to end on parking which will provide 18 no. spaces.</p> <p>Parking for the proposed development is provided in line with the 2010-2016 Dún Laoghaire-Rathdown County Development Plan standards.</p> <p>Currently there is one ramp in the estate and it is proposed to add a further three ramps as a traffic calming measure.</p> <p>Sufficient parking is provided for the use of all residents.</p>
3	<p>Landscaping:</p> <ul style="list-style-type: none"> <li>Protected trees</li> <li>The removal of trees as part of the development</li> <li>Residents have requested the provision of additional green space.</li> <li>The provision and maintenance</li> </ul>	<p>There are no existing protected trees on the site.</p> <p>While some trees will be removed to make way for parking spaces, considerably more trees will be provided as part of the development.</p> <p>The quantum of open space provided is in accordance with the 2010-2016 Dún Laoghaire-Rathdown County Development Plan standards.</p> <p>The public open space will be</p>

	of high quality landscaping.	appropriately landscaped and maintained.
4	<p>Boundary walls:</p> <ul style="list-style-type: none"> <li>Concerns were raised in relation to the boundary walls between the development and both St. Patrick's Crescent and Oliver Plunkett Road.</li> </ul>	<p>The boundary of the development at the St. Patrick's Crescent and Oliver Plunkett Road consists of walls and hedging in some areas. In consultation with residents, it is proposed that walls to a uniform height of two metres will be built where necessary to replace the boundary/hedges. These walls will have 'Toblerone' capping (which is difficult to climb).</p> <p>If the residents wish to retain walls which are built to a height greater than the proposed height this can be agreed on site.</p>
5	<p>Amenities:</p> <ul style="list-style-type: none"> <li>There was a concern that the open space is being assigned to the community centre rather than for the whole estate.</li> <li>Fear that the open space will be used for illegal dumping, bins to be provided at green area.</li> <li>Loss of green area for children to play on.</li> <li>Extra resources for community centre.</li> </ul>	<p>The open space to be provided is for the enjoyment of the estate as a whole. Its location close to the Community Centre is related to the topography of the site.</p> <p>Illegal dumping is an offence and instances should be reported to the Council's Environment Department. It is the policy of the Parks Department not to provide any additional litter bins on open spaces.</p> <p>The area is well served with existing children's playgrounds i.e. there is a playground at Honey Park and new facilities have recently been provided in the Soldiers and Sailors field.</p> <p>Youth services operate a wide selection of projects in the Community Centre which is considered to cater for all ages in the community.</p>
6	<p>Impact on existing community:</p> <ul style="list-style-type: none"> <li>Concerns were raised that the proposed development would have a detrimental effect on the current standard of living of existing residents in terms of:- <ul style="list-style-type: none"> <li>Density;</li> <li>All units are social – social</li> </ul> </li> </ul>	<p>The proposed development will provide 50 no. units on a site area of 1.05ha, providing an acceptable density for the site which is in accordance with the 2010-2016 Dún Laoghaire-Rathdown County Development Plan standards.</p> <p>In relation to the social mix in the</p>



7	<p>Security of Community Centre: A concern was expressed that the removal of the fence and gates at Mounttown Community Facility will compromise security and affect the running of the centre.</p>	<p>As part of the proposed works new railings and gate will be provided to the perimeter of the existing Mounttown Community Centre which will ensure it remains secure at all times.</p>
8	<p>A concern was raised that the development (House type F) is too close to the existing dwelling at No. 34 Fitzgerald Park and recommended it be set back to be in line with the rear façade of adjacent house type units (Type H and Type G).</p>	<p>The location of the proposed dwelling (House Type F) will be revised with the proposed dwelling (House Type F) set back by approximately 0.8 metres so that its rear building line matches that of the adjoining units (House Type H and House Type G). It is noted that the above modification will reduce the rear garden length serving House Type F to a minimum of 9 metres and a maximum of 14 metres, however it is noted that the maximum separation distance between the rear of the proposed dwelling and the rear of the existing dwellings at St. Patricks Crescent is at a minimum of 22 metres. It is also noted that the proposed dwellings do not directly back onto the rear façade of the existing dwellings at St. Patrick's Crescent; there is also a difference in site levels. In this regard it is not considered that the relocation of House Type F would impact on the residential amenity of the adjoining dwellings by reasons of overlooking/overbearing.</p>
9	<p>Input from existing residents:</p> <ul style="list-style-type: none"> <li>• Not surveyed in advance.</li> <li>• Part 8 consultation.</li> </ul>	<p>The Council followed the statutory procedure for the Part VIII proposal and met with local residents to advise them of the proposed development and informed them of the submission period.</p>

## 10. CONCLUSION:

The proposed development is in accordance with the zoning objective for the area as set out in the 2010-2016 Dún Laoghaire-Rathdown County Development Plan. The development accords with the proper planning and sustainable development of the area.

## 11. RECOMMENDATION:

The proposed development is considered to be in accordance with the provisions of the 2010-2016 Dún Laoghaire-Rathdown County Development Plan and with the proper planning and sustainable development of the area. In accordance with the legislation, the proposed development may be carried out as recommended in the Chief Executive's

Report, unless the Council, by resolution, decides to vary or modify the development otherwise than as recommended, or decides not to proceed with the development.

It is recommended that a decision be made by the Elected Members of the Council to **proceed** with the proposed development in accordance with the drawings, which were on display and to any such minor or immaterial alterations to the plans and particulars of the development, subject to the following conditions:

1. The internal courtyard will be divided into private gardens for each of the proposed one-bedroom (type J) units and two-bedroom (type K) units (as per Drawing Nos. 03 RevA, 04 Rev A & 10 Rev A).
2. The glazing within the proposed rear landing windows of the three storey B-TYPE dwellings shall be manufactured opaque and the west facing window of the second floor bedroom shall be omitted (as per Drawing No. 06 Rev A).
3. The road and proposed footpath directly in front of the Mounttown Community Centre shall be set back approximately two metres from the Community Centre building and new railings and access gates shall be provided around the perimeter of the Community Centre building (as per Drawing Nos. 03 Rev A & 04 Rev A).
4. The proposed dwelling (House Type F) shall be set back by approximately 0.8 metres, with the proposed boundary wall between the proposed dwelling (House Type F) and No. 34 Fitzgerald Park re-aligned accordingly (as per Drawing Nos. 03 Rev A, 04 Rev A & 09 Rev A).
5. That full details of the proposed permeable paving and attenuation system shall be submitted to Water Services Section for approval and shall thereafter be constructed in accordance with the agreed specification and layout.
6. A Construction Management Plan for the protection and diversion of the 600 mm diameter surface water sewer (adjacent to No. 34 Fitzgerald Park) shall be submitted to Water Services Section for approval and shall thereafter be constructed in accordance with the agreed specification and layout.
7. The Council shall engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development and should archaeological material be found during the course of monitoring, an archaeologist may have work on the site stopped pending a decision as to how best to deal with the archaeology. The Council shall, if necessary, advise the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation *in situ*, and/or excavation) and facilitate the archaeologist in recording any material found. Where necessary the Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

Subject to the above approval, members are hereby notified in accordance with Section 138 of the Local Government Act, 2001, as amended, of the intention to proceed with the proposed development.

Tom McHugh,  
Director of Housing and Community

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